

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

Date:-30-1-1996

SPECIAL CIVIL APPLICATION NO.6027 OF 1987.

For Approval and Signature

THE HON'BLE MR. JUSTICE N.N. MATHUR.

1. Whether Reporters of Local Papers may be allowed to see the judgment ? No.
2. To be referred to the Reporter or not ?
No.
3. Whether their Lordships wish to see the fair copy of judgment? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

None present.

CORAM:-N.N. MATHUR., J.

Date:-30-1-1996

ORAL JUDGMENT:

This Special Civil Application has been filed by Dhandhuka Nagar Panchayat challenging the order 31-8-87 of the Collector, Ahmedabad whereby the land admeasuring 2 Acre and 20 Gunthas of Survey No.549 of Dhandhuka Nagar Panchayat has been cancelled and vested in the State Government without any compensation. It appears that the said decision was taken by the Collector, Ahmedabad in view of the Resolution dated 11-12-1986 passed by Dhandhuka Nagar Panchayat. Subsequent to that resolution dated 7-11-1987 recalling the earlier resolution on the ground that the subject land is a pond. Rain water is

collected in the said pond during monsoon. It is stated that there are two wells in the pond which become useful after the water is dried in the said pond. There are six other wells on the bank of the said pond. Water tank of Dhandhuka is also on the bank of the said pond. All these wells are getting water from the said Tank even after water of the pond is dried. The said wells are the only source of supply of water to the people of Dhandhuka township. The contention is supported by the Report of the Deputy Executive Engineer, Minor Irrigation Panchayat Sub-Division, Dhandhuka dated 11-11-1987.

2. Considering the facts of the case, it is appropriate that the entire matter is reconsidered by the Collector, Ahmedabad in light of the fresh resolution adopted by Dhandhuka Nagar Panchayat. The petitioner may appear before the Collector, Ahmedabad and present their case.

3. In view of the aforesaid, this Special Civil Application is allowed and the order dated 31-8-1987 passed by the Collector, Ahmedabad is set-aside and quashed. The Collector, Ahmedabad is directed to reconsider the matter afresh in light of the resolution adopted by Dhandhuka Nagar Panchayat and any other supporting material. Rule is made absolute to the aforesaid extent. Ad-interim relief stands vacated. There shall be no order as to cost.

-0-0-0-0-0-